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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,518	01/06/2004	Brian S. Hilton	117058	3343
25944	7590	10/17/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/751,518

Applicant(s)

HILTON ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objection***

Claims 5, 10 and 19 are objected to because the word "the group" lacks antecedent basis. Appropriate correction is required.

### ***CLAIM REJECTIONS***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1- 2, 4-7, 9-16 and 18-20 and are rejected under 35 USC 102 (e) as being anticipated by Oda et al. (US Pat. 6,520,630).

Oda et al. disclose in Figures 1-5 an ink supply system for an ink jet print head comprising:

- an ink jet head (18);
- a fluid reservoir (20) having top, bottom and side walls defining an interior volume for housing fluid;
- a venting port (50) provided on one of the reservoir walls;
- a fluid inlet port (52) provided on one of the reservoir walls, the venting port (50) and the fluid inlet port (52) being located at substantially the same vertical level to increase volumetric efficiency and reduce staining (Fig. 3);

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- wherein the venting port (50) and the fluid inlet port (52) are located in the top wall of the fluid reservoir (20) (Fig. 3);
- at least one of the venting port (50) and the fluid inlet port (52) having a seal (62A, 62B).
- the seal (62A, 62B) being selected from a group consisting of needle septum;
- a tube (70A) formed from the venting port (50) and having an opening (72A) to the atmosphere at a vertical level at least equal to the vertical level of the fluid inlet port (52) (Figs. 3-4);
- at least one of the venting port (50) having a seal (62A) (Fig. 3);
- the venting port (50) and the fluid inlet port (52) having substantially horizontal inlet axes (Fig. 3); and
- the venting port (50) and the fluid inlet port (52) having inlet axes aligned at an angle with respect to a vertical axis (Fig. 3).

Claims 1- 3, 6-8, 11-17 and 20 are rejected under 35 USC 102 (b) as being anticipated by Allen (US Pat. 4,968,998).

Allen discloses in Figures 1-4 an ink supply system for an ink jet print head comprising:

- an ink jet head (12);
- a fluid reservoir (10) having top, bottom and side walls defining an interior volume for housing fluid;
- a venting port (33) provided on one of the reservoir walls;
- a fluid inlet port (36) provided on one of the reservoir walls, the venting port (33) and the fluid inlet port (36) being located at substantially the same vertical level to increase volumetric efficiency and reduce staining;
- wherein the venting port (33) and the fluid inlet port (36) are located in the top wall of the fluid reservoir (10) (Fig. 2);
- the venting port (33) and the fluid inlet port (36) are located in the side wall of the fluid reservoir (10) (Fig. 2);
- a tube (30) formed from the venting port (33) and having an opening to the atmosphere at a vertical level at least equal to the vertical level of the fluid inlet port (36) (Fig. 2);

- the venting port (33) and the fluid inlet port (36) having substantially horizontal inlet axes (Fig. 2); and
- the venting port (33) and the fluid inlet port (36) having inlet axes aligned at an angle with respect to a vertical axis (Fig. 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8 and 17 are rejected under 35 USC 103 (a) as being unpatentable Oda et al. (US Pat. 6,520,630) in view of Allen (US Pat. 4,968,998).

Oda et al. disclose the basic features of the claimed invention was stated above but do not disclose the venting port and the fluid inlet port are located in the side wall of the fluid reservoir.

Allen disclose in Figure 2 an ink cartridge (10) comprising the venting port (33) and the fluid inlet port (36) are located in the side wall of the fluid reservoir (14).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Allen in the Oda et al. ink supply system for the purpose of providing ports to communicate fluids from outside to inside of the print cartridge.

***Citation of Pertinent Prior Art***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inui et al. (US Pat. 5,900,895; US Pat. 6,022,102; US Pat. 6,234,615; US Pat. 6,866,372; US Pat. 6,905,197) cited in the PTO 892 form show an ink cartridge that is deemed to be relevant to the present invention. These references should be reviewed.

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (571) 273-8300.



**ANH T. VO**  
**PRIMARY EXAMINER**  
October 13, 2005